

1 have changed a little bit, but I don't think that particular
2 thing has changed that much. That -- that verbiage is also
3 mentioned in other parts of Part 90 regarding other parts of
4 the spectrum.

5 However, there were -- there were probably many,
6 many cases over the last number of years where PCIA would
7 allow people to file for more than one channel at a time
8 based on their alleged needs.

9 JUDGE STEINBERG: Okay, so let me just ask this:
10 Essentially this is -- you are quoting from 90.313,
11 subsection (c)?

12 THE WITNESS: Correct.

13 JUDGE STEINBERG: So essentially what this rule
14 says is that a license -- a licensee, one licensee could
15 have one channel.

16 THE WITNESS: Correct.

17 JUDGE STEINBERG: And then when it became loaded,
18 which means it's at full capacity, when it became loaded, at
19 that point in time the licensee could apply for a second
20 channel?

21 THE WITNESS: That is correct.

22 JUDGE STEINBERG: And do you think, to the best of
23 your recollection, was that the rule that was in effect at
24 the time that you and Mr. Brasher put together the
25 applications in the names shown in Exhibit 66?

1 THE WITNESS: To the best of my knowledge, that is
2 correct.

3 JUDGE STEINBERG: Okay. So does that kind of --
4 well, I've got the answer.

5 BY MR. KNOWLES-KELLETT:

6 Q Okay, do you recall discussions with Ron Brasher
7 about this matter about this time, about the fact that you
8 would need to file only one -- you could only have one per
9 person at the time?

10 A I don't recall that.

11 Q Okay.

12 A I have many customers all over the country, and
13 from time to time over the years I have discussed those
14 types of issues, but I'm not sure I ever discussed that with
15 Ron.

16 MR. KNOWLES-KELLETT: We have a copy of the '96
17 version of the rule.

18 JUDGE STEINBERG: Maybe after reading it, you can
19 stipulate that the sentence that Mr. Black relied on is the
20 same or different.

21 MR. KNOWLES-KELLETT: Pardon?

22 JUDGE STEINBERG: Maybe after reading it, you can
23 stipulate that the sentence that Mr. Black referred to reads
24 the same then as it does today or reads differently.

25 (Pause.)

1 JUDGE STEINBERG: If you want to read that into
2 the record --

3 MR. KNOWLES-KELLETT: Okay.

4 JUDGE STEINBERG: -- we can all see it.

5 MR. KNOWLES-KELLETT: Okie-doke. I think that Mr.
6 Schwaninger he would be more comfortable with that approach.

7 This reads, "A licensee will be required to show
8 that an assigned frequency pair is at full capacity before
9 it may be assigned a second or additional frequency pair."
10 This is 90.313 out of the book revised October 8, '96.

11 JUDGE STEINBERG: Subsection (c)?

12 MR. KNOWLES-KELLETT: Subsection (c).

13 THE WITNESS: It appears to read identically.

14 (Pause.)

15 BY MR. KNOWLES-KELLETT:

16 Q Okay, so do you recall discussing the reasons at
17 all that Mr. Brasher faxed you this list of 10 names for 10
18 applications?

19 A No, I don't, and that's not something I normally
20 do discuss --

21 Q Okay.

22 A -- with my clients.

23 Q Okay. So do you recall any discussions prior to
24 receiving this list? Were you expecting a list?

25 A Regarding this issue?

1 Q Right. Well, I want any discussions period with
2 Ron Brasher regarding these 10 applications, 10 or 11
3 applications. I'm sorry. Yes.

4 Q I think pretty much of what I can remember about
5 this situation is that Ron had requested that a combination
6 of things here, that I check some certain frequencies to see
7 if they were available, and check to see if there were any
8 other frequencies available. And having done that, I came
9 up or I came up or we came up with a list of these
10 frequencies that are on the third page of this five-page
11 Exhibit 66.

12 Q Okay.

13 A And having done that he faxed a request, which is
14 pages 1 and 2 of Exhibit 66, and requested that I file these
15 applications for these frequencies.

16 Q Do you recall if subsequently you paired up the
17 names on one and two with the frequencies --

18 A That happened. I remember that was a telephone
19 call.

20 Q Did it happen before he faxed you the list or
21 after he faxed you the list?

22 A To the best of my knowledge, it happened before
23 the fax.

24 Q Okay.

25 A Because I believe that I probably said if this is

1 what you want to do then I need the names and addresses of
2 these people, and he subsequently sent me the fax.

3 Q Okay. Okay, did you understand that all of these
4 applications were to be prepared at essentially the same
5 time and sending them together?

6 A Yes.

7 Q Okay. Do you remember any discussions regarding
8 the requirements the Commission imposes on other people
9 whose stations are managed?

10 Do you understand my question?

11 A I don't think I do.

12 Q Okay. In order for DLB to use and operate these,
13 do you understand that they be managing the stations for
14 these people? Was that your understanding of the
15 relationship here?

16 A I really had no understanding of the relationship.

17 Q Okay.

18 A I know that some communications dealers'
19 businesses do enter into management agreements of some sort
20 with other licensees, but I really don't know a whole lot
21 about that because I don't normally get involved in that
22 sort of thing.

23 Q Okay. So as far as you know he just faxed you the
24 names and addresses of the licensees?

25 A Yes.

1 (Pause.)

2 Q Did you ever have any discussion with the named
3 applicants?

4 A Did I have a discussion with any of the named
5 applications?

6 Q Right, regarding these applications.

7 A No, I did not.

8 Pardon me. With the -- with the exception on page
9 1 of the exhibit, the first name is Metroplex, and yes, I
10 had a discussion with Metroplex. But of the other names,
11 no, I did not.

12 Q Okay. Okay, did you have any discussions at all
13 with any of these people?

14 A Other than Ron Brasher, no, I did not.

15 Q Okay.

16 (Pause.)

17 BY MR. KNOWLES-KELLETT:

18 Q Did you any discussions with David Brasher at or
19 about this time?

20 A Not to my knowledge.

21 Q I'm sorry. We just need a complete record about
22 this. We're just looking for your best testimony on that.

23 A Okay.

24 JUDGE STEINBERG: Are you talking about
25 discussions about anything?

1 MR. KNOWLES-KELLETT: Anything in this -- at or
2 about this time in '96, anything. I'm looking for any
3 recollection or discussions with David Brasher.

4 THE WITNESS: I -- I don't recall any discussions
5 that -- in the last six or seven years that I have done
6 business with Ron Brasher. I recall rarely, if ever, did I
7 discuss business with David Brasher. I have talked to him a
8 few times over the years, and it was just pretty much a hi,
9 how are you doing. I think one time we discussed the
10 software program or something that had nothing to do with
11 radio. But I don't ever recall discussing licensing with
12 David ever.

13 MR. KNOWLES-KELLETT: Okay.

14 THE WITNESS: Norma Sumpter, no. I don't even
15 know who that person is.

16 MR. KNOWLES-KELLETT: Okay.

17 BY MR. KNOWLES-KELLETT:

18 Q D. L. Brasher, I'm making an assumption here. I
19 assume that's David.

20 Q That is David.

21 Q Jim Sumpter, I do not know. Ruth Bearden, I do
22 not know. Carolyn Sue Lutz, I do not know. O. C. Brasher,
23 I do not know. Melissa Sumpter, I do not know. And
24 Jennifer Hill, I do not know.

25 Q Okay. At the time that you filed this, did you

1 know that D. L. Brasher was David Brasher?

2 A No, I did not.

3 Q I think in front of you there is a copy of what's
4 been marked as EB Exhibit 68.

5 JUDGE STEINBERG: That's it?

6 THE WITNESS: This?

7 JUDGE STEINBERG: Yes, that would be in the back
8 of the book.

9 MR. KNOWLES-KELLETT: No, it's right -- it might
10 be in the back of the book.

11 JUDGE STEINBERG: It's in the book.

12 MR. KNOWLES-KELLETT: Okay.

13 THE WITNESS: Okay.

14 JUDGE STEINBERG: Mr. Black has got it.

15 (Pause.)

16 BY MR. KNOWLES-KELLETT:

17 Q To start with, I'd draw your attention to the
18 first six pages.

19 JUDGE STEINBERG: Let the witness -- have you had
20 a chance to review it to your --

21 THE WITNESS: Yes, Your Honor.

22 JUDGE STEINBERG: -- as much as you want to?

23 Okay.

24 THE WITNESS: Give me just one moment.

25 JUDGE STEINBERG: Sure. Just let us know when you

1 think you can answer questions on it. Just take your time.

2 (Witness reviews document.)

3 THE WITNESS: I'm ready, Your Honor.

4 JUDGE STEINBERG: Okay. Mr. Kellett.

5 BY MR. KNOWLES-KELLETT:

6 Q Okay, my first question is have you ever seen this
7 application before?

8 A I believe I did that application.

9 Q Okay. So you think you prepared this application?

10 A I believe that I prepared it, yes.

11 Q Okay. Turning to the second page, you will see
12 that it's dated and signed 1995.

13 A Yes.

14 Q Okay. Do you recall preparing this application in
15 1995?

16 A I don't recall preparing it, but it looks like my
17 work.

18 Q Okay.

19 JUDGE STEINBERG: And your name is in, what is
20 that, block nine on page 1?

21 THE WITNESS: Yes, Your Honor. Of course, that
22 really doesn't mean anything. I have had people that put my
23 name in because they wanted the FCC to call me if they had a
24 problem. But I believe that this is my work.

25 JUDGE STEINBERG: Okay.

1 THE WITNESS: Your Honor, if you will look at the
2 very bottom, you will see where it says "FCC Control Code
3 5A-01"?

4 JUDGE STEINBERG: Yes.

5 THE WITNESS: That's a function of the software
6 that I use, and that would indicate that I did that with my
7 software program.

8 JUDGE STEINBERG: Okay. Did everybody get that?

9 MR. ROMNEY: No, sir. No, sir.

10 JUDGE STEINBERG: Why don't you repeat that?

11 THE WITNESS: At the very bottom --

12 JUDGE STEINBERG: Of page 1.

13 THE WITNESS: -- it says FCC Control Code 5A-01.
14 I'm not really sure what that means, but I know that the
15 software that I use generates that.

16 MR. KNOWLES-KELLETT: Okay.

17 THE WITNESS: So that indicates that I did the
18 application or at least someone using Slattery Software, but
19 it's probably my work.

20 MR. KNOWLES-KELLETT: Okay.

21 BY MR. KNOWLES-KELLETT:

22 Q I'd like you to turn -- there is another copy of
23 the exhibit that's out of the book, okay?

24 A This one.

25 Q Yes. And I'd like you to turn to Exhibit 3 in the

1 book. It's way at the front.

2 A Oh, Exhibit 3.

3 I'm at Exhibit 3.

4 Q Okay. Now turn to the third page of Exhibit 3. I
5 would like you to compare the two, and with the exception of
6 the signature line and the date, do they appear to be the
7 same application?

8 A Well, no, they are not the same application.

9 Q Okay. Can you tell us why?

10 A Yes. In, I can't remember if it was July 1st of
11 1995 or August the 1st of 1995, my wife and I moved from
12 Lewisville, Texas, which is a suburb of Dallas, to Sante Fe,
13 New Mexico.

14 Q Okay.

15 A And if you will notice in blocks nine through 16
16 of the main form --

17 Q Okay.

18 A -- I'm reflecting that move.

19 Q Okay.

20 A So the application that was not part of the book,
21 the one that was laying here on --

22 JUDGE STEINBERG: That's No. 68.

23 MR. KNOWLES-KELLETT: It will be 68.

24 THE WITNESS: Sixty-eight shows my address in
25 Lewisville, Texas, while Exhibit 3 shows my address in Sante

1 Fe, New Mexico.

2 MR. KNOWLES-KELLETT: Okay.

3 THE WITNESS: Now, that's -- that's the first and
4 most obvious difference.

5 Now, on the signature page the dates are
6 different. The Exhibit 3 in the book, Schedule D of the
7 main form, which will be page 5 of the exhibit.

8 JUDGE STEINBERG: That's Exhibit 3, page 5.

9 THE WITNESS: Correct. That shows a PICA control
10 number so that's been certified through the frequency
11 coordinator. That's the number in the very lower block
12 there that's handwritten in, Your Honor.

13 BY MR. KNOWLES-KELLETT:

14 Q But that's something that happened after, is that
15 correct?

16 A That's -- yes, that goes -- it goes to the
17 frequency coordinator after the application is prepared, and
18 signed by the client.

19 Now, the other thing -- I think those are the most
20 significant differences. The frequency is the same, the
21 location of the transmitter antenna is the same.

22 JUDGE STEINBERG: Look at Schedule G on Exhibit 3.
23 See some handwriting in Exhibit 3?

24 THE WITNESS: Yes.

25 JUDGE STEINBERG: And the handwriting in Schedule

1 G on Exhibit 68?

2 THE WITNESS: No, Your Honor.

3 JUDGE STEINBERG: Do you know whose handwriting
4 that is?

5 THE WITNESS: If I was guessing, I would guess
6 that is the frequency coordinator.

7 JUDGE STEINBERG: Okay, but you don't know?

8 THE WITNESS: I don't know. I would guess.

9 JUDGE STEINBERG: Okay.

10 THE WITNESS: May I make a comment, Your Honor?

11 JUDGE STEINBERG: Sure.

12 THE WITNESS: If you will notice on the one
13 application where the data is all typed in on Schedule G.

14 JUDGE STEINBERG: That's No. 68?

15 THE WITNESS: That's correct.

16 JUDGE STEINBERG: Exhibit 68.

17 THE WITNESS: If you will look at the first line,
18 item G(7), it says 222.5.

19 JUDGE STEINBERG: Correct.

20 THE WITNESS: That's the way I enter thing.
21 However, the frequency coordinators and the FCC at that
22 point always rounded off. They also on T-band generally,
23 even though I furnish the calculation for G-7, the
24 coordinator usually double check it. Their software may
25 have shown a slight variation, so that explains why the No.

1 221 was handwritten in on the -- the same thing would apply
2 to the handwritten in minus 8 as opposed to the typed in 8.5
3 and the other two items, the 60 ERP and G-6 of the two lines
4 G. That's because that was an oversight probably on my
5 part. In T-band you're supposed to enter the effective
6 radiated panel on mobile units, which is a little unique,
7 and I probably forget to do that. So that's probably the
8 work of the coordinator.

9 JUDGE STEINBERG: Okay, thank you.

10 (Pause.)

11 BY MR. KNOWLES-KELLETT:

12 Q Okay, I'd like you to turn to Exhibit 9 and
13 turning to the third page of that.

14 A I'm at the third page of Exhibit 9.

15 Q Okay. Can you look at the next several pages and
16 see if this is an application that you prepared?

17 A Yes, give me just a moment.

18 (Witness reviews document.)

19 THE WITNESS: Yes, I believe that is an
20 application that I prepared.

21 BY MR. KNOWLES-KELLETT:

22 Q Okay, can you tell us in the block 24 on the first
23 page, the P for profit, what does that indicate?

24 A P for profit indicates that the license will be
25 used for -- it indicates that the repeater will be used for

1 resale.

2 Q For subscribers?

3 A For subscriber unit, as opposed to a company that
4 would get a license for radios for their own internal use.

5 Q Okay. Drawing your attention back to Exhibit 66
6 where Ron Brasher faxed you a list of names. He faxed you
7 the list of names and addresses.

8 Were you aware of his requirements regarding this
9 other information on all of these applications?

10 Do you understand what I mean? How did you know
11 to put P for profit on this application?

12 A I think -- I would not have put P for profit
13 unless he had requested and indicated that these licensees
14 were going to offer repeater service for resale.

15 Q Okay. Was this one of the groups that that you
16 prepared? Do you recall?

17 A It looks --

18 JUDGE STEINBERG: You want to --

19 THE WITNESS: Your Honor, what is that exhibit
20 number?

21 JUDGE STEINBERG: Sixty-six.

22 THE WITNESS: Sixty-six. Let me compare it with
23 this.

24 JUDGE STEINBERG: Yes, that's going to be unwieldy
25 because they are at opposite ends of the book.

1 THE WITNESS: Yes.

2 JUDGE STEINBERG: So if you want to remove 66 and
3 then --

4 THE WITNESS: I think it might be easier.

5 BY MR. KNOWLES-KELLETT:

6 Q Did you bring the original of --

7 A Yes. As a matter of fact, I did.

8 THE WITNESS: Do you want me to take a look at
9 that?

10 JUDGE STEINBERG: Sure.

11 (Pause.)

12 JUDGE STEINBERG: Looks the same to me. Everybody
13 is welcome to come up and compare if they like.

14 MR. ROMNEY: What are we talking about, Your
15 Honor?

16 JUDGE STEINBERG: This is the original of 66. And
17 rather than flip the book back and forth between
18 applications and Exhibit 66, if there is no objection, Mr.
19 Black will just refer to the original 66.

20 MR. ROMNEY: (Nods.)

21 THE WITNESS: Yes. I would say that this is one
22 of the applications -- that Exhibit 3 is one of the
23 applications that was part of that group as indicated on
24 Exhibit 66.

25 BY MR. KNOWLES-KELLETT:

1 Q Do you recall any discussion with Ron Brasher that
2 this particular application was to be just for 10 mobiles?

3 A No, I do not.

4 Q Okay. I turn your attention to Exhibit 21, page
5 57. There are little numbers that I put at the bottom to
6 help us on Exhibit 21.

7 A Yes.

8 Q Judy and I put them on. It looks like it might
9 have been Judy's because this is the original.

10 A All right, I'm at page 57.

11 Q Okay. If you look in that vicinity, I think you
12 will see that this is that same application. Start at 52.

13 A All right.

14 Q Okay, on 57, do you see the change to 10 mobiles
15 in handwriting?

16 A Yes, I do.

17 Q Do you recall any discussion -- does that refresh
18 your recollection?

19 A No, it does not.

20 Q Okay. With respect to these applications, I think
21 you testified that you did it one of two ways, either they
22 were forwarded back to you forward to PCIA, or forwarded
23 directly to PCIA.

24 With respect to this group that related to 66, do
25 you recall which of the two methods were used?

1 A No, I do not. I may have some information my
2 briefcase that would shed some light on that, but I don't
3 remember offhand.

4 Q Okay.

5 A Give me just a moment here. Let me look.

6 (Pause.)

7 THE WITNESS: Are we going to take a break anytime
8 soon?

9 JUDGE STEINBERG: Sure. You want to take a break
10 now?

11 THE WITNESS: Well, I don't need to. What I was
12 asking, Your Honor, I think I may have some information in
13 my briefcase that would help me answer that question, which
14 is in the witness room.

15 JUDGE STEINBERG: Oh, it's in the witness room.
16 Do you want to get it?

17 MR. KNOWLES-KELLETT: A three-minute break?

18 THE WITNESS: I could do that.

19 JUDGE STEINBERG: Okay. Why don't we go off the
20 record while you do that.

21 (Pause off the record.)

22 JUDGE STEINBERG: Back on the record.

23 I believe the question was, and you can correct me
24 if I'm wrong, whether in this instance with respect to the
25 10 applications in the reflected in Exhibit 66, whether Mr.

1 Black submitted the applications to PCIA after getting them
2 back from Ron Brasher, or whether Ron Brasher submitted them
3 to PCIA. Is that the question?

4 MR. KNOWLES-KELLETT: Right.

5 THE WITNESS: I believe, according to what I have
6 with me, I believe that Ron Brasher submitted those directly
7 to PCIA. And the reason for that is that routinely if an
8 application comes back to my office, then I always make
9 copies of the signature pages, and I don't have copies of
10 the signatures pages of any of the applications on Exhibit
11 66, I believe it was.

12 MR. KNOWLES-KELLETT: Right.

13 THE WITNESS: So that would indicate that those
14 were submitted directly to PCIA.

15 The only other way I could verify that would be my
16 accounting records, but I don't have them with me.

17 MR. KNOWLES-KELLETT: Okay.

18 (Pause.)

19 BY MR. KNOWLES-KELLETT:

20 Q So you don't know what was sent to PCIA; is that
21 correct?

22 A That's correct.

23 Q Okay. So if Ron Brasher made the change to 10
24 mobiles in Exhibit 21, page 57, if you would to go to where
25 your pen is.

1 JUDGE STEINBERG: No. The pen is on a different
2 page.

3 BY MR. KNOWLES-KELLETT:

4 Q You wouldn't know anything about it?

5 JUDGE STEINBERG: Is that your writing?

6 THE WITNESS: I wouldn't -- no, that is not my
7 writing. That was done by a right-hand person.

8 However, I would think that I would have known at
9 some point in time because normally after an application is
10 certified by the frequency coordinator and sent on to the
11 Commission, then I generally get a notice from the frequency
12 coordinator, and I don't believe that I did, I don't believe
13 that I have anything on that application that reflects that.

14 JUDGE STEINBERG: That's the Ruth Bearden
15 application?

16 THE WITNESS: That's -- yes, Exhibit -- Exhibit
17 21, page -- I was looking at.

18 MR. KNOWLES-KELLETT: You're looking at page 57.

19 THE WITNESS: Fifty-seven is what we were looking
20 at. But I was trying to determine, this would have been the
21 second of these two applications that we were comparing; is
22 that correct?

23 JUDGE STEINBERG: No.

24 THE WITNESS: No, that was -- that was -- pardon
25 me. I'm mixed up here.

1 MR. KNOWLES-KELLETT: Three.

2 JUDGE STEINBERG: It's the application that starts
3 on page 52.

4 THE WITNESS: Yes. Let me look at one thing, Your
5 Honor, and see if there is anything from the coordinator
6 that would --

7 (Pause.)

8 MR. ROMNEY: Excuse me. What is our exhibit
9 reference? I may have lost myself.

10 JUDGE STEINBERG: Wait. Let the witness finish
11 looking and then I'll -- it's 21, page 52.

12 (Pause.)

13 THE WITNESS: Your Honor, here is a --

14 JUDGE STEINBERG: Why don't you just tell me what
15 it is rather than giving it to me.

16 THE WITNESS: All right. Here is a certification
17 notice from PCIA, it was an e-mail dated 6-29-96, for Ruth I
18 Bearden for the frequency 483-8375, in Allen, Texas,
19 indicating that they coordinated 90 units.

20 BY MR. KNOWLES-KELLETT:

21 Q I would like to turn your attention to Exhibit No.
22 9, which is the same application from the -- one that was
23 granted from the Commission's files.

24 A All right. Exhibit 9, what page?

25 Page 3 is the first page.

1 Q Yes, page 8. I think you looked at this in
2 another one. I don't know. I take it back.

3 A Yes, I did. Okay.

4 Q Do you see that the one that was granted was for
5 90 mobiles?

6 A Yes.

7 Q Okay, now if you look at page 3 of -- no, I'm
8 sorry.

9 So your PCIA verification comports with the one
10 that was granted from the Commission's files?

11 A It says it was filed with the FCC on July 15th of
12 1996.

13 Q Okay, does yours --

14 JUDGE STEINBERG: What -- okay, the e-mail from
15 PCIA?

16 THE WITNESS: The e-mail from PCIA.

17 JUDGE STEINBERG: Says what?

18 THE WITNESS: It says that the frequency 483-8375
19 was coordinated for Ruth Bearden for 90 units, Allen, Texas,
20 same frequency, and went onto the Commission July the 15th.

21 BY MR. KNOWLES-KELLETT:

22 Q Could you read the PCIA control number?

23 A Yes, the PCIA control number is 961760089.

24 Q Can you look at page 5 of Exhibit 9?

25 A That's the same control number.

1 Q Okay. If you would look at the first page of
2 Exhibit 10.

3 A Yes.

4 Q Do you see how many mobiles the license reflects?

5 A It shows 90.

6 Q Okay. Under Ruth Bearden?

7 A Yes.

8 Q Can you read for us the handwriting at the top of
9 that, as best you can?

10 A It say, "To John Black from R. Brasher. Please
11 apply for this freq. at this location under DLB."

12 Q Okie-doke. And then can you look -- did you
13 receive this from Ron Brasher?

14 A Yes, I did.

15 Q Okie-doke. So you recognize his handwriting?

16 A Yes.

17 Q Okay. And the fax stamp at the bottom is 4-6-98
18 from Metroplex Two Way? Can you see that? It's upside down
19 at the bottom of the page.

20 A Yes, I see that.

21 Q Okay. Does that comport with your recollection?
22 Is that at or about the time you received this from Ron?

23 A (No response.)

24 Q And --

25 JUDGE STEINBERG: Wait. Did we have an answer to

1 that?

2 MR. KNOWLES-KELLETT: I actually want to draw his
3 attention --

4 JUDGE STEINBERG: Well, let's just get an answer
5 and see what the answer is before you draw anybody's
6 attention.

7 THE WITNESS: Yes.

8 JUDGE STEINBERG: I've lost the question.

9 BY MR. KNOWLES-KELLETT:

10 Q Okay, do you recall doing this at or about that
11 time?

12 JUDGE STEINBERG: At or about what time?

13 BY MR. KNOWLES-KELLETT:

14 Q Receiving these first two page actually at or
15 about the time 4-6-98?

16 A Well, see, we are on to -- we are no to another
17 situation.

18 Q Right.

19 A So wait. Let me catch up with you.

20 JUDGE STEINBERG: Why don't you start again, what
21 your question was -- why don't you ask --

22 MR. KNOWLES-KELLETT: Okay.

23 JUDGE STEINBERG: We're on page 1, correct?

24 MR. KNOWLES-KELLETT: Yes. Actually, I want to do
25 it in a different order, Your Honor. Okay?

1 BY MR. KNOWLES-KELLETT:

2 Q I want you to look at the first two pages of the
3 exhibit. Now, you read for us --

4 A Exhibit 10?

5 Q Right.

6 A Yes.

7 Q You read for us the writing.

8 A Yes.

9 Q Okay. Then I would like you to identify the last
10 pages of the exhibit, page 3 through 10.

11 A Yes.

12 Q Is that an application that you prepared?

13 A Yes, it looks like an application that I prepared.

14 Q Okay, looking at page 3, did you submit this
15 application electronically to PCIA?

16 A Yes, and they -- well, it says received
17 electronically 4-20-98, But the form itself, the Form 600
18 looks a little bit different, the font and what have you,
19 from what the FCC uses, and that's because PCIA/NABER had
20 their own software program to generate the form and that's
21 what this looks like.

22 JUDGE STEINBERG: Page 5 through the end?

23 THE WITNESS: Four through the end actually. Four
24 is their supplemental form. And yes, I believe that I --
25 yes, I did this and filed it electronically.

1 BY MR. KNOWLES-KELLETT:

2 Q And you filed it electronically around 4-20-98?

3 A Yes. Sometimes their e-mail would come the next
4 day, so I might have filed it 4-19, or it might have been 4-
5 20.

6 Q Okay, I would like to go back to the earlier
7 question.

8 Do you recall receiving these first two pages in
9 early April 1998?

10 A Yes.

11 Q Okay.

12 JUDGE STEINBERG: From Ron Brasher?

13 THE WITNESS: Yes, Your Honor.

14 MR. KNOWLES-KELLETT: I would like to move the
15 admission of Exhibit 10, Your Honor?

16 JUDGE STEINBERG: Any objection?

17 MR. ROMNEY: No objection.

18 MR. PEDIGO: No objection.

19 JUDGE STEINBERG: Okay, Exhibit, EB Exhibit 10 is
20 received.

21 (The document referred to,
22 previously identified as
23 Enforcement Bureau Exhibit No.
24 10, was received in evidence.)

25 //

1 BY MR. KNOWLES-KELLETT:

2 Q Okay, with respect to this -- turning back to
3 Exhibit 9.

4 A What is Exhibit 9?

5 Q That's the Ruth Bearden application in 1996.

6 A Yes.

7 Q Did you have any discussions with Ron regarding
8 cancelling this application?

9 A No, I don't believe I do.

10 Q Okie-doke. Did you have any discussions with Ron
11 regarding the fact that Ruth Bearden was deceased at the
12 time of this application?

13 A No, I did not.

14 (Pause.)

15 BY MR. KNOWLES-KELLETT:

16 Q Okay, and the name in which this application was
17 prepared, was that taken from Exhibit 66?

18 JUDGE STEINBERG: That's the list and you had the
19 original.

20 MR. KNOWLES-KELLETT: You had the original.

21 THE WITNESS: Yes. That is correct. It would
22 have been taken from that list.

23 BY MR. KNOWLES-KELLETT:

24 Q Okay, turning back to Exhibit 66, and I don't care
25 whether you use your -- oh, I believe I asked you if you had